IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO. 4496 OF 1995

Dr. Raj Rao .. Petitioner

Vs.

University of Pune and ors. .. Respondents

Mr. Mihir Desai for petitioner.
Mr. S.B. Deshmukh h/f Mr. A.V. Anturkar for respondent no.1.
Mr. V.S. Gokhale, AGP for respondent no.2.
Mr. R.K. Saroj h/f Mr. S.V. Pitre for respondent no.3.

CORAM : B. H. MARLAPALLE &
D. B. BHOSALE,JJ.

Date : May 02, 2006.

P.C.:

1. The petitioner has obtained Ph.D. Degree from the University of Bombay in 1986 and he came to be appointed as a Lecturer in English Department at the University, Pune on 21/4/1988. On 16/7/1991 he came to be appointed to the post of Reader in Common Wealth Literature at the said University but it appears that said post was reserved. He was reverted to the post of Lecturer with effect from 16/1/1992 and was reappointed on 28/1/1992. On 3/7/1992 he came to be reverted to the post of Lecturer but he came to be reappointed from 7/8/1992 in the post of Reader on temporary basis against a post reserved for S.C. On

2/2/1993 he came to be removed from the post of Reader and was reverted to the original post of Lecturer. As per the petitioner in the English Department at the relevant time there were two posts of Lecturer, one was for open and one was for reserved category. There was a leave vacancy on account of Dr.Rajeer Patke going abroad on a teaching assignment and the University issued an advertisement. The petitioner responded to the same and he was informed that interviews for the said post would be held on 2/4/1993, which could not be held and the same was held in May, 1993. The petitioner came to be appointed to the post of Reader on temporary basis from 10/5/1993 and he continued in the said post as Dr. Rajeer Patke submitted his resignation. On 29/12/1994 University issued an advertisement inviting application for various posts including the post of Professor in English (Literature and Literacy Criticism). Simultaneously application invited for the post of Reader in English as well but the post was reserved for S.T. candidates and it was clarified that the open category candidates could be considered on temporary basis. The petitioner gave colloquium on his work on 12th April 1995 in the Department of English and he appeared for the interview on the same day. The Selection Committee, as per the information in the petition, had decided to offer the post of

Professor to Mr. J.N. Sharma, the respondent no.4 from Jodhpur University, even though he had not submitted his application for the said post. Respondent no.3 approached this Court in W.P. No.1806 of 1995 and also took out Civil Application No.3176 of 1995 in the said writ petition. On 6th July 1995 stay order in favour of the petitioner therein i.e. Prashantkumar Sinha was passed and the Civil Application No.3176 of 1995 was accordingly decided.

The said petition came to be decided on 7/7/2004.

2. It appears that as at present respondent no.3 has already retired on reaching the age of superannuation and in this petition by the interlocutory order dated 22/9/1995 the petitioner was directed to be continued in the post of Reader which post had fallen vacant by the appointment of respondent no.3 to the post of Professor. By his letter dated 16/11/2004 the petitioner also informed the Vice Chancellor that he had no objection for the University to proceed to fill in the vacant post in the English Department. Mr. Deshmukh the learned counsel appearing for the University, on instructions, states that in the English Department there are two posts of Professor and four posts of Reader as per the sanctioned strength and one post of Professor reserved for the backward classes has been filled in whereas

other post of Professor from open category is vacant and to be filled in. As far as the Reader's posts are concerned, two posts are filled in and out of the four remaining two vacant posts, one post is for the reserved category candidate and the other one is to be filled in from open category. We are also informed that this petition can be disposed of by directing the respondent no.1 to proceed to release the advertisement and invite applications to fill in the posts of Professor well as Reader in the English Department along with other vacancies, if any. It would be, therefore, appropriate that the petition is disposed by protecting the petitioner's present post and allowing the University to take appropriate steps to start fresh process to fill in the vacancies as at present.

3. In the premises, the respondent no.1 - University is at liberty to proceed with the process to fill in one post of Professor and two posts of Reader in the Department of English along with other vacancies, if any, expeditiously and the advertisement should be released within a period of two months from today. Undoubtedly, the petitioner is at liberty to apply for any of these posts. Till the vacancies are filled in, the petitioner shall be continued in the existing post of Reader and this continuation shall

not create any vested rights in his favour over the said post, though his experience may be considered by the Selection Committee.

4. Petition disposed off in terms of the above directions. Rule discharged. No costs.

(D.B. Bhosale,J.) **(B.H. Marlapalle, J.)**